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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,836	06/23/2003	Sima Ella	26012	6456

7590 04/18/2006  
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EXAMINER

DEMILLE, DANTON D

ART UNIT PAPER NUMBER

3764

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/600,836

Applicant(s)

ELLA ET AL.

Examiner

Danton DeMille

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 83-97 and 109-129 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 83-97 and 109-129 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

Claim 87 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no clear antecedent basis for "said mirror in claim 87.

***Claim Rejections - 35 USC § 103***

**Claims 83 rejected under 35 U.S.C. 103(a) as being unpatentable over Zharov '978.**

Zharov teaches a face and body treatment system including a treatment device that includes electrodes for electrostimulation, infrared diodes, radio-wave range sources, field magnet, pulse magnet, vacuum source as well as pressurized gas including oxygen. Zharov also teaches a commutation unit coupled with the control unit and physiotherapeutic modules as well as biological sensors of feedback which provides switching of the sources with different spectrum ranges and supplementary physiotherapeutic modules in accordance with a program for example, it can provide their separate or simultaneous operation, column 2, lines 44-51. Clearly Zharov teaches what appears to be a computerized device with the commutation and control unit that is able to control many different physiotherapeutic modules including feedback sensors to control the operation of the device to follow a program switching between separate operation and simultaneous operation. The separate operation would comprehend the logic of predetermined restrictions of some treatments while allowing others. To any extent it is felt that this does not inherently teach a programmable computerized device such would have been an obvious provision in order to perform all of the different operations required.

**Claims 83-86, 88-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zharov in view of Howard '318.**

Howard teaches the convention of using a programmable computerized device including a display panel for displaying parameters relating to treatment. It would have been obvious to one of ordinary skill in the art to modify Zharov to use a programmable computerized device with display panel as taught by Howard in order to completely control the operation of the system.

**Claims 87, 94-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zharov in view of Chang '774.**

Chang teaches a multifunctional face and body treatment system that includes a mirror and compartments to hold all of the different tools. It would have been obvious to one of ordinary skill in the art to modify Zharov to include a laptop casing including a mirror as taught by Chang to store all of the different tools and to help apply the treatment to the face.

**Claims 109-117, 119, 121, 126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guichard in view of Izuchukwu.**

Guichard teaches an oxygen treatment system that uses a pressurized oxygen in canister 26 and spray medicament using aromatic oils from canister 11 column 3, lines 24-32. The medicament is sprayed onto the felt 12 and compressed oxygen is released to force the mixture out to the patient. The mixture of oxygen and aromatic oils and medicament is administered to the patient using a mask. The mixture would inherently be applied to the skin of the patient around the nose and mouth and therefore some would be absorbed through the skin.

Izuchukwu teaches that liquid oxygen can be used as a source for the pressurized oxygen. It would have been obvious to one of ordinary skill in the art to modify Guichard to use liquid oxygen as a source for the oxygen as taught by Izuchukwu to provide a reservoir of oxygen that contains more oxygen than a container of pressurized oxygen.

**Claims 118, 120, 122-125, 127-129 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Guichard.**

As noted above Guichard teaches a pressurized oxygen source 26 and aromatic oils source 11 for administering oxygen to the patient that would inherently also provide some of the oxygen to the skin of the user that would inherently be transported through the skin.

***Response to Arguments***

Applicant's arguments with respect to claims 83-97, 109-129 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson, can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

30 March 2006

  
Danton DeMille  
Primary Examiner  
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